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HYBE Co., Ltd.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re Ex Parte Application of HYBE
Co., Ltd.,

Applicant.

) CASE NO. 3-24-mc-80117

)

) **DECLARATION OF GWANG SU**

) **CHOI IN SUPPORT OF**

) **APPLICANT'S *EX PARTE***

) **APPLICATION FOR AN ORDER**

) **PURSUANT TO 28. U.S.C. § 1782**

) **AUTHORIZING DISCOVERY IN**

) **AID OF A FOREIGN**

) **PROCEEDING**

)

I, Gwang Su Choi, declare that:

1. I am more than 18 years of age, am competent to testify on the matters stated in this declaration, and I have personal knowledge of the matters stated herein, unless expressly stated otherwise.

2. This declaration is in support of the Applicant's *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in a Foreign Proceeding ("Application").

3. I am the legal counsel of HYBE Co., Ltd. (“**HYBE**” or “**Applicant**”), a multinational entertainment corporation established in February 2005 under the laws of the Republic of Korea (“**Korea**”). HYBE’s principal place of business is in Seoul, Korea. At HYBE, one of my responsibilities is to deal with social media issues, including but not limited to false, defamatory or harassing statements made about the company.

4. HYBE is engaged in the entertainment business with a focus on managing and training K-pop singers, operating a record label, a talent agency, a music production company, event and concert management company, and music publishing house. HYBE’s subsidiaries include BIGHIT MUSIC Co., Ltd. (“**BIGHIT MUSIC**”) (formerly Big Hit Entertainment from 2005 to March 2021).

5. HYBE is a publicly traded company on the Korea Stock Exchange. Through its subsidiary BIGHIT MUSIC, HYBE employs an innovative management style that includes the wide use of social media to cultivate an audience and transform fan engagement and interest into sales, fandom energy and artist-related content. As a result, false allegations, defamatory and/or harassing statements made by anonymous individuals against HYBE, BIGHIT and/or its artists can cause damage to both those being attacked and the HYBE shareholders.

6. On April 28, 2024,¹ an unidentified person using the X (formerly Twitter) username (also known as “handle”) “@guiltyarchive” (the “**X User**”) published numerous posts about HYBE. Attached as **Exhibit 1** is a true and correct screenshot of the posts as of April 2, 2024. The X User’s X account with username “@guiltyarchive” is active as of May 10, 2024.² The X User’s X account has approximately 108,000 followers, and has posted as many as 4,889 posts in total as of May 10, 2024.

7. The X User’s posts contain numerous false, defamatory and/or harassing statements about the Applicant. These include but are not limited to the following:

- (a) X post dated April 28, 2024 (at around 5:32 a.m.): “Hella scary story about HYBE / The name of GFriend³ album = Walpurgis Night / Walpurgis night = day of burning witches / GFriend disbandment date May 1 / LE SSERAFIM debut May 2 / Witches were burnt (disbanded)

¹ All date and time references are based on Korea Standard Time (KST).

² <https://twitter.com/guiltyarchive>.

³ Female K-pop group established by Source Music (which was acquired by HYBE). The group disbanded in 2021.

and the next day sserafim (angel) debuted – there is a year gap but just for ease of understanding” [Original Korean language: “하이브 관련 존나 무서운 이야기 나옴 / 여자친구 앨범 이름 = 발푸르기스의 밤 / 발푸르기스의 밤 = 마녀를 불태우는 날 / 여자친구 해제일 5월 1일 / 르세라핌 데뷔 5월 2일 / 마녀를 태우고(해체) 다음날 세라핌(천사)가 데뷔함 – 1년 간격은 있지만 이해 편의상 말한거임”]. It appears that this post has currently been deleted; and

(b) X post dated April 28, 2024 (at around 11:46 a.m.): “I’m a reasonable person so if it was a total nonsense, I wouldn’t have even posted it / [BTS] did their debut showcase in Ilchi Art Hall / ‘Ilchi’ in Inchi Art Hall is related to DahnWorld⁴ founder” [Original Korean language: “저도 어지간한 사람이라 아예 허황된 개소리같았으면 올리지도 않았음 / 데뷔 쇼케이스도 일지아트홀에서 했는데 / 일지아트홀의 일지는 단월드 창시자의 호임”]. It appears that this post has currently been deleted.

8. The X User’s posts have inflicted and continue to inflict significant reputational damage on the Applicant. To date, HYBE’s efforts to locate this anonymous person(s) by searching publicly available information has not revealed the true identity of the X User.

9. On May 2, 2024, the Applicant filed a criminal complaint against the anonymous X User with the Seoul Yongsan Police Station in Seoul, Korea (“**Korean Criminal Matter**”) for publishing the X posts. The Applicant is claiming defamation and crime of business interference against the X User under the laws of Korea.

10. Unless the true identity of the anonymous X User is revealed, the Applicant will not be able to pursue the Korean Criminal Matter. As a result, the Applicant intends to use the identity of the anonymous X User for the Korean Criminal Matter.

11. The anonymous X User’s false, defamatory and/or harassing public statements, including but not limited to those in Exhibit 1, have caused irreparable harm to HYBE’s business and shareholders. We look forward to identifying the person(s) responsible for these statements so

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1 that our rights can be recognized by the Korean courts.

2 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
3 United States of America that the foregoing is true and correct.

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5 Executed on May 14, 2024

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7 GWANG SU CHOI
8 GWANG SU CHOI

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28 ⁴ Meditation entity in Seoul, Korea that is also rumored to be a religious cult. There were false rumors that HYBE
had ties with DahnWorld but both DahnWorld and HYBE have officially denied such rumors.

Twitter interface showing a tweet by @guiltyarchive.

Tweet by @guiltyarchive:

하이프 관련 존나 무서운 이야기 나눔
여자친구 앨범 이름 = 발푸르기스의 밤
발푸르기스의 밤 = 마녀를 불태우는 날
여자친구 해체일 5월 1일
르세라핌 데뷔 5월 2일
마녀를 태우고(해체) 다음날 세라핌(천사)가 데뷔함
- 1년 간격은 있지만 이해편의상 말한거임

그리고 민희진 주주총회 4월 30일

Translate post

개요 동영상 노래 문가 리뷰

노래

1 MAGO 3:19

2024 발푸르기스의 밤 (특집), 시작(리메):
4월 30일 화요일

종료(리메):
5월 1일 수요일

그래서 사람들은 마녀와 악마를 쫓기 위해 밤 3시에 불을 피우고 시끄러운 소리를 냈습니다. 위
운 말로, 밤새 불 피우고 놀았다는 뜻이죠. 발

5월 2일, 첫 번째 EP 앨범
(ESS)를 발매하며 정식 데뷔

5:32 AM · Apr 28, 2024

20K Quote Tweets Retweets Likes

1 50K 39K 28K

Who can reply?
Accounts @guiltyarchive follows or mentioned can reply

Reply by @guiltyarchive - Apr 28:

민희진은 왜 OMG 유비로 헐박당한걸까요?
왜 단월드가 재단 글사대 다니는 멤버들만 삼죽오 마크를 달았을까요
끼야아악

저는 해외에 있습니다 제발 살려주세요 🥺🥺🥺

그럼 상해한다 볼란다
말도안됨

대문 앞세인트에 세라핌은?
omg유비로 나 헐박해서 데꿀밤
서
질문 나 하이라이프는네
저는 나 데꿀밤을 주신데
물 질질대는나를 질질대

단월드가 - 남거벽이 한해대급 찍제한
하이프 이 사냥새기들이아아악

YouTube

1 6.2K 5.7K

This Post includes a word you muted. View

Reply by @guiltyarchive - Apr 28:

정정
소리소녀론
하지만 22에도 뭐가 있는게 무섭네요

해체는 22일이고
단월드가 22일에 단월드로 명칭 변경했음
하이프가 22에 집착하는건 하이프 소속 가수들만 봐도
알수있...

Reply by @guiltyarchive - 46분:

ㅁㅁ
너무무서움
진짜 소름끼침
우연이 어케 이렇게까지 겹칠수가 있는거임?
여자친구 마지막 노래 마고 = 단월드가 모시는 신...

1 2.2K 3.1K

Reply by @guiltyarchive - Apr 28:

제가 더 울리기엔 넘넘 무섭네요
인종에 증거 올린 언니를 많으니 꼭꼭 참고하기

1 243 1.2K

Reply by @guiltyarchive - Apr 28:

최대한 맘찍놀러봄
보이는대로 놀렀는데 아닌것도 많고 단은 확대해석일 수도 있는거라 적당히 결
려보세요
글구 맘찍에 답글도 있으면 타래까지 보세여

1 274 1.3K

Reply by @guiltyarchive - Apr 28:

재보 존나왔는데 진짜 올린거 빙산의 일각이라서.;
이런게 한두개가 아닌

1 316 1.4K

Exhibit 1





